



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2006 - 6

COMMANDEERING PROPERTY FOR REPAIR OF THE 17TH STREET CANAL

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with, respond to, or recover from emergencies and disasters, including those caused by fire, flood, earthquakes, or other natural or man-made causes;
- WHEREAS,** Proclamation No. 48 KBB 2005, issued on August 26, 2005, declared a state of emergency for the state of Louisiana due to Hurricane Katrina's potential to cause severe storms, high winds, and torrential rain that could cause flooding and damage to private property and public facilities, and threaten the safety and security of the citizens of Louisiana;
- WHEREAS,** Proclamation No. 54 KBB 2005, issued on September 22, 2005, extended the state of emergency until October 25, 2005; Proclamation No. 61 KBB 2005, issued on October 24, 2005, extended the state of emergency until November 24, 2005; Proclamation No. 68 KBB 2005, issued on November 17, 2005, extended the state of emergency until December 24, 2005; Proclamation No. 75 KBB 2005, issued on December 22, 2005, extended the state of emergency until January 23, 2006, and Proclamation No. 10 KBB 2006, issued on January 20, 2006, extended the state of emergency until February 22, 2006;
- WHEREAS,** Hurricane Katrina struck the state of Louisiana causing catastrophic flooding and damage to southeastern Louisiana, including the parish of Jefferson, the effects of which have threatened the safety, health, and security of the citizens of the parish of Jefferson, along with private property and public facilities;
- WHEREAS,** pursuant to R.S. 29:724(D)(4), the governor may commandeer any private property if necessary to cope with a disaster or emergency, subject to applicable requirements for compensation; and
- WHEREAS,** at the request of the U.S. Army Corps of Engineers, Jefferson Parish, and East Jefferson Levee District, and upon the recommendation of the Attorney General's Office, the Department of Transportation and Development, and the Division of Administration, State Land Office, the best interests of the citizens of the state would be served by the commandeering of certain property in the parish of Jefferson for the construction and repair of the 17th Street Canal, as further described below;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The state of Louisiana hereby commandeers the use of certain property located in the parish of Jefferson, state of Louisiana, Section 121 and 122, Township 12 South, Range 11 East, and land extending north into Lake Pontchartrain, containing approximately 10.2 acres, as shown on the attached map (Exhibit A) entitled "Lake Pontchartrain and Vicinity, New Orleans Plan, Emergency Restoration, 17th Street Canal Interim Closure Structure, Exhibit A" and dated January, 2006.

SECTION 2: Said property shall be used for work that will include levee and floodwall construction and repair, constructing an interim gated closure structure north of the Hammond Highway Bridge, miscellaneous clearing and selective demolition of damaged flood

control works, driving sheet pile, placement of the interim closure structure, integrated pumps, crushed stone backfill and rip-rap placement, including the right to deposit fill, spoil and waste material thereon, to move, store and remove equipment and supplies and erect and remove temporary structures on the land, to construct, repair, operate, patrol and to perform any other work necessary and incident to the construction of the Lake Pontchartrain Louisiana and Vicinity Hurricane Protection Project, 17th Street Outfall Canal Interim Closure Structure, and any appurtenances, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving however, to the landowners, their heirs and assignees, all such rights and privileges in said land as may be used without interfering with or abridging the rights hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

SECTION 3: The state of Louisiana has commandeered the real property interests for the property required by the Department of the Army as indicated on the attached map (Exhibit A). Said property is commandeered pursuant to R.S. 29:721, *et seq.* Said owners of the property so commandeered shall be identified and compensated in accordance with the terms of the Cooperation Agreement Between the United States of America and the Orleans Levee District for Rehabilitation of a Federal Hurricane/Shore Protection Project executed on October 21, 2005, as supplemented by Supplemental Agreement No. 1, dated January 27, 2006, and as further supplemented by Supplemental Agreement No. 2, dated January 27, 2006.

SECTION 4: The Division of Administration, State Land Office, shall take immediate steps to grant right of entry to the property commandeered for the above purposes pursuant to this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 10th day of February, 2006.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Al Ater
SECRETARY OF STATE



NOTE:
 COMMANDERING LINE, JEFFERSON PARISH LA
 PROPERTY INTERESTS OF THE STATE OF LOUISIANA AND ANY
 AND ALL PROPERTY INTERESTS WHICH ARE ALLEGED TO BE
 PRIVATE AND MAY BE LEGALLY DETERMINED TO BE PRIVATE

TABULATION OF COMMANDERING LINE		
POINT NO.	X-COORDINATE	Y-COORDINATE
1	1004470.00	111110.00
2	1004470.00	111110.00
3	1004470.00	111110.00
4	1004470.00	111110.00
5	1004470.00	111110.00
6	1004470.00	111110.00
7	1004470.00	111110.00
8	1004470.00	111110.00
9	1004470.00	111110.00
10	1004470.00	111110.00
11	1004470.00	111110.00
12	1004470.00	111110.00
13	1004470.00	111110.00
14	1004470.00	111110.00
15	1004470.00	111110.00
16	1004470.00	111110.00
17	1004470.00	111110.00
18	1004470.00	111110.00
19	1004470.00	111110.00
20	1004470.00	111110.00

EXHIBIT A
 EXECUTIVE ORDER NO. 0001 2006-06

EXHIBIT
A

LEGEND
 - EXISTING RIGHT-OF-WAY
 - COMMANDERING LINE
 - LOTTE ORIGIN LINE AND P.L. 3/11

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
 DIVISION OF HIGHWAYS
 PROJECT NO. 0001 2006-06
 SHEET NO. 1 OF 1

U.S. GEOLOGICAL SURVEY
 MISSISSIPPI RIVER DIVISION
 JACKSON, MISSISSIPPI
 PROJECT NO. 0001 2006-06
 SHEET NO. 1 OF 1

STATE OF LOUISIANA
 DEPARTMENT OF REVENUE
 PROJECT NO. 0001 2006-06
 SHEET NO. 1 OF 1

U.S. GEOLOGICAL SURVEY
 MISSISSIPPI RIVER DIVISION
 JACKSON, MISSISSIPPI
 PROJECT NO. 0001 2006-06
 SHEET NO. 1 OF 1

